

ORIGINAL

**FAIRFIELD TOWN, UTAH**  
**CULINARY WATER IMPACT FEE ENACTMENT ORDINANCE**  
**June 9, 2016**

**ORDINANCE NO. 2016-60916-1**

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

**WHEREAS**, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

**WHEREAS**, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

**WHEREAS**, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

**WHEREAS**, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

**WHEREAS**, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

**WHEREAS**, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

**WHEREAS**, the Town adopted the Facilities Plan by motion on June 9<sup>th</sup>, 2016; and

**WHEREAS**, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

**WHEREAS**, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

**WHEREAS**, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

**WHEREAS**, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before May 27, 2016; and

**WHEREAS**, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before May 27, 2016; and

**WHEREAS**, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a newspaper of general circulation in the Town; and

**WHEREAS**, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

**WHEREAS**, on or before May 27, 2015 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. §11-36a-303 was available to the public; and

**WHEREAS**, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

**WHEREAS**, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfield, as follows:

## **SECTION 1: FINDINGS.**

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

## **SECTION 2: DEFINITIONS.**

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. "Summary" means the summary of the Impact Fee Analysis.

### SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
  - (i) dedicates land for a system improvement;

- (ii) builds and dedicates some or all of a system improvement; or
  - (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
  - (i) are system improvements, or
  - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

#### **SECTION 4: IMPACT FEE ACCOUNTING.**

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

## **SECTION 5: APPEAL PROCEDURES.**

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the “**Request for Information**”) with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
  - (i) the appellant's name, mailing address and daytime phone number;

- (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
  - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:
  - (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
  - (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
  - (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

## **SECTION 6: SEVERABILITY.**

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

## **SECTION 7: EXHIBITS.**

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

## **SECTION 8: EFFECTIVENESS.**

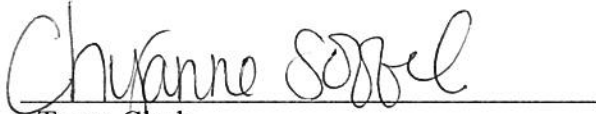
This Ordinance shall become effective ninety (90) days after the adoption hereof.

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED** this 9<sup>th</sup> day of June, 2016.

FAIRFIELD TOWN COUNCIL  
TOWN OF FAIRFIELD, UTAH

  
Jaren Hancock, Mayor

ATTEST:

  
Town Clerk

(SEAL)



## **Exhibit A: Impact Fee Facilities Plan**

## **Exhibit B: Impact Fee Analysis**

## Exhibit C: Town Map



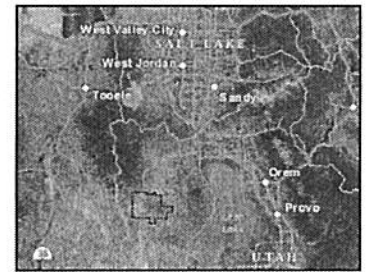
**FIGURE 1  
SITE MAP  
FAIRFIELD, UTAH**

APRIL 2016

 Fairfield Boundary



 0 0.5 1 2 Miles



UTAH



## **Exhibit D: Impact Fee Schedule**

**Culinary Water Impact Fee**

**3/4-inch meter = \$15,600.00**

**1-inch Meter = \$26,000.00**

# Fairfield

## Impact Fee Facility Plan

Adopted: June 9<sup>th</sup>, 2016

**Geoffrey Ryan Taylor, P.E.**  
**Project Engineer**

**EPIC ENGINEERING, P.C.**  
**50 East 100 South**  
**Heber, Utah 84032**

## **ACKNOWLEDGMENTS**

Successful completion of this study was made possible by the cooperation and assistance of the Fairfield Staff, as shown below. We sincerely appreciate the cooperation and assistance provided by these individuals.

### **FAIRFIELD**

Jaren Hancock – Mayor

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***Fairfield*****CULINARY WATER SYSTEM IMPROVEMENTS  
FACILITY PLAN****EXECUTIVE SUMMARY**

The Fairfield (“**Town**”) culinary water system is expected to experience moderate growth as the community expands. The culinary water system will need to be expanded in order to meet the current system needs as well as provide fire protection for the entire community and adequately serve new residents. This report will focus on a planning period of 50 years. The Funding Alternatives section of this report recommends that the user rates be increased and that an impact fee be adopted to fund the necessary projects.

The Town owns and maintains a Culinary Water System which includes approximately 5 miles of water distribution lines, a spring, pump, and storage tank. Through evaluation of the existing system, anticipated future conditions, and identifying the desired level of service, it is recommended that the Town construct new infrastructure. Recommended improvements include acquisition of a new water source, a new pump station with treatment facility improvements, two new storage tanks, metering upgrades, water rights acquisition, and distribution system construction, and a future well and pump station. The improvements to be constructed in 2016, including one 250,000 gallon storage tank, a 300-500 gpm well and pump station, and meter upgrades will remedy existing system deficiencies and will add capacity for existing ERUs, as the existing system is at capacity. The projected cost of these improvements is **\$3,016,400.00**.

## **INTRODUCTION**

Fairfield (Town) is located in the southwest corner of Cedar Valley at the western side of Utah County, approximately 50 miles southwest of Salt Lake City. The Town was incorporated in 2004. The Town currently occupies approximately 26.7 sq. miles and the population is estimated at 123.

The residents of the Town receive their drinking water from a spring and there are currently 20 residential connections that have meters. Residents outside of the Town and not on the distribution system receive water from private wells. Figure 1 highlights the general service area of the existing water company as well as the areas of Town that utilized individual wells. There are currently a number of residents that would like to connect to the culinary system but cannot due to the current deficiencies.

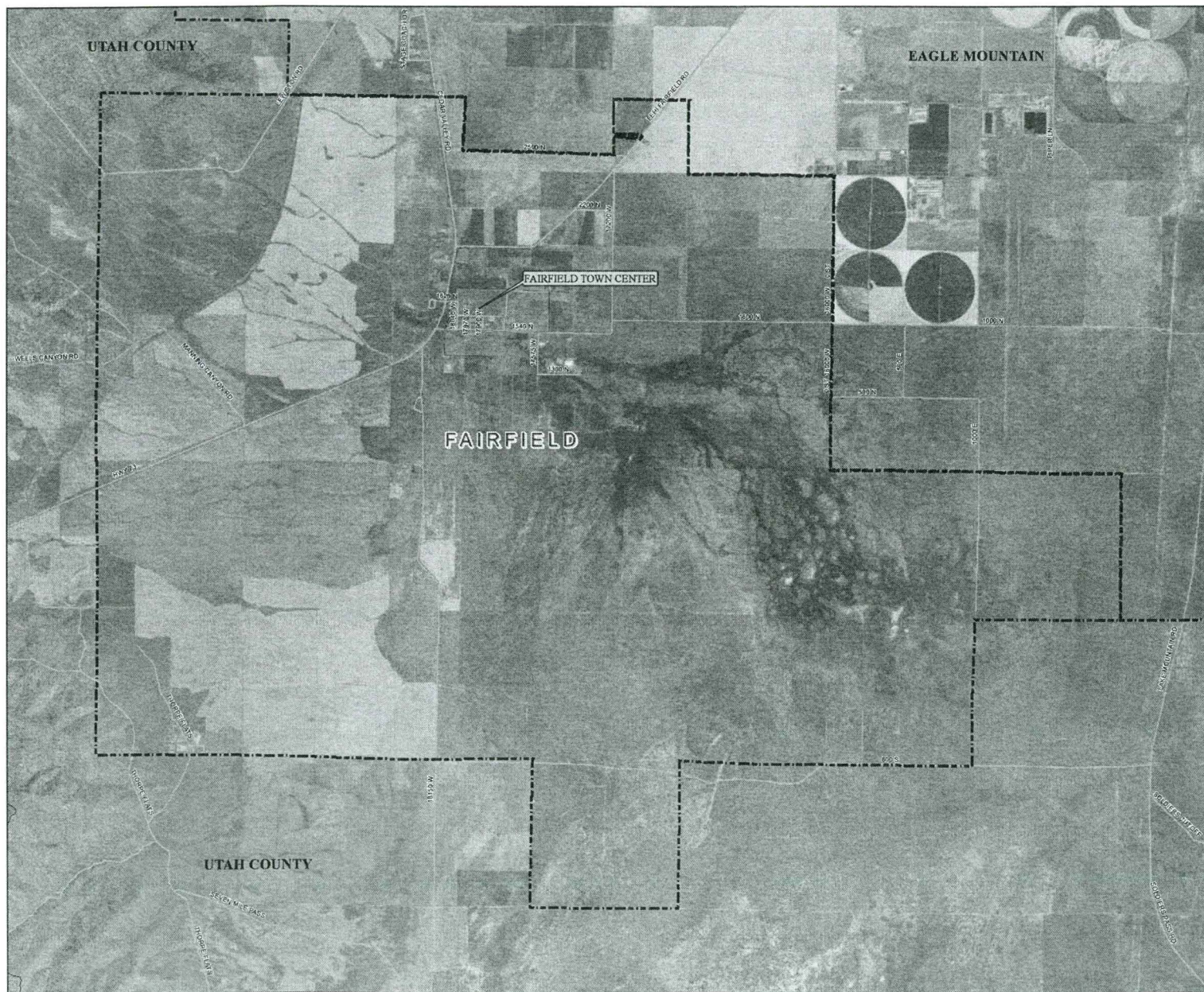
## **DEMOGRAPHICS**

At the end of 2014, Fairfield served a community of 123 people within 40 housing units and 20 culinary water connections. Because the Town does not have any large industrial or commercial connections it is assumed that all connections are equal to an equivalent residential unit (ERU), so for the purpose of this report and all future revisions one ERU shall be equal to a typical residential connection.

Households are 81.4% owned and are occupied by an average of 3.08 people. The population density is 5 people per square mile, which is in the lower quartile for population density in the state of Utah and is the 1<sup>st</sup> percentile. Growth rate of the Town has been below 1% for the past five years and is not projected to increase above 1% for the next five years. The median household income is in the 68<sup>th</sup> percentile for the state compared to the other 326 incorporated cities or towns in Utah.

## **TOPOGRAPHY**

Fairfield is located at the base of the southeastern side of the Oquirrh Mountain Range in the Cedar Valley in Utah County. Within the Town boundary the topography slopes from the west to the east. The elevation high point of approximately 5,400 feet is in the northwest corner. The Town is at approximately 4,879 feet and the low point of approximately 4,830 feet is in the southeast area of the Town boundary. A USGS map of the area is shown in Figure 1.




**FIGURE 1**  
**FAIRFIELD TOWN**  
**BOUNDARY MAP**

**FAIRFIELD, UTAH**

FEBRUARY 2016

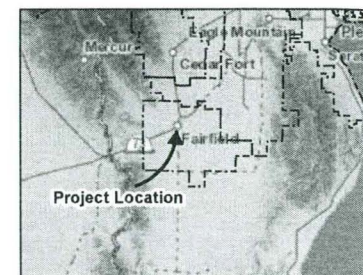
**Legend**

 Fairfield Town Boundary

0 2,640 5,280 Feet



1 inch = 3,500 feet



Source: Utah Automated Geographic Reference Center (AGRC)



## PLANNING PERIOD

This report uses a planning period of 50 years, from 2015 to 2065. Full build-out is not anticipated for many years beyond the planning period unless major rezoning or large annexations occur. It is anticipated that this plan will become outdated based upon the long build-out period and possibilities for increased growth and expansion during this time. To ensure that the Town will continue to adequately maintain and expand the Town's water system it is ***recommended that this report be updated in 2025 and every 10 years thereafter until full build-out is reached, or when major development changes occur.***

## PLANNING AREA

The Town does not have any immediate plans for large expansion. As such, this report will be limited to improving and connecting the water systems within the existing Town boundaries. If large annexations do occur, this plan should be revisited and updated accordingly. Prior to providing services to a new annexation, the Town should carefully determine the full system impacts, storage, capacity, and other details and require any impacts to be mitigated through impact fees, water rights, or the construction of additional facilities.

## POPULATION AND GROWTH PROJECTIONS

In total, the Town population is estimated to be at 123 residents. In 2011 Mountainland Association of Governments (MAG) in conjunction with Fairfield Town developed a general plan that predicted a growth rate of 4%. Actual population numbers from 2005, 2010 and 2015 show growth rates of 2.5% and 1% respectively. To ensure that the Town will be prepared, a moderate growth rate of 4% was used for all future population projections.

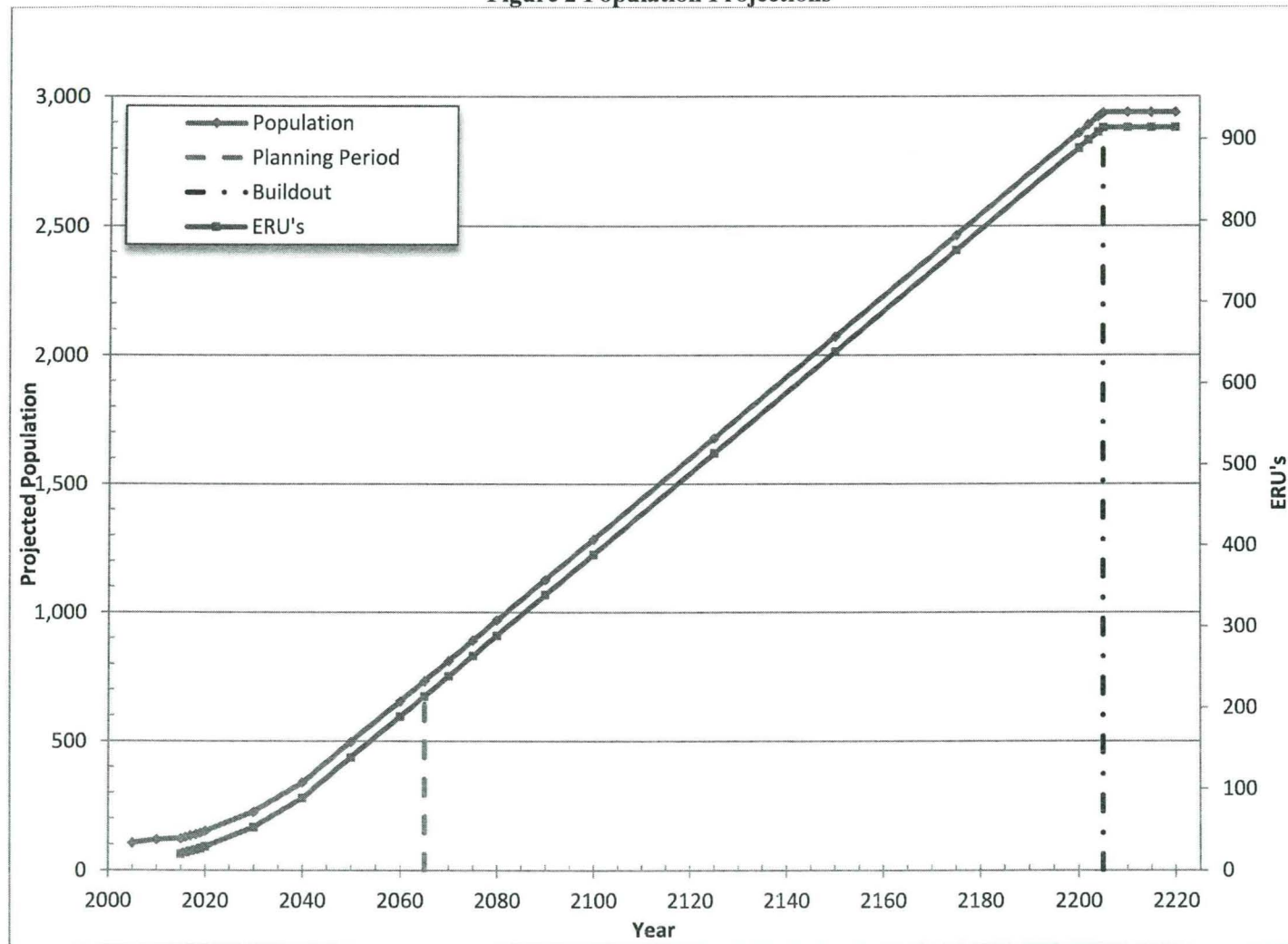
Growth projections estimate a total population of 151 in 2020 and a total population of 227 in 2030. This growth rate is similar to what Fairfield expects or has experienced. The Town currently limits new connection to 5 per year, based on the maximum number of building permits that can be issued. The amount of buildable land will also place additional restrictions on growth and predicts a build-out population of 2,936 and 913 ERUs. Table 1 shows the expected Town population growth during the planning period if a 4% growth rate and a maximum of 5 new water connections are issued per year. Figure 2 illustrates the population growth and ERU increase over the planning period.

**Table 1 Population Projections**

Item	2005*	2010*	2015*	2020	2030	2040	2050	2060	2065	Build-out
Population	105	119	123	151	227	340	497	655	733	2,936
ERUs	N/A	N/A	20	29	53	89	139	189	213	913
Pop. Increase		14	4	28	76	113	158	158	79	
Annual Population Growth Rate		2.5%	1%	4%	4%	4%	4%	3%	2%	
ERU Increase		N/A	0	9	24	36	50	50	25	
Annual ERU Growth Rate		N/A	N/A	7%	6%	5%	4%	3%	2%	

\*Actual numbers provided by Fairfield

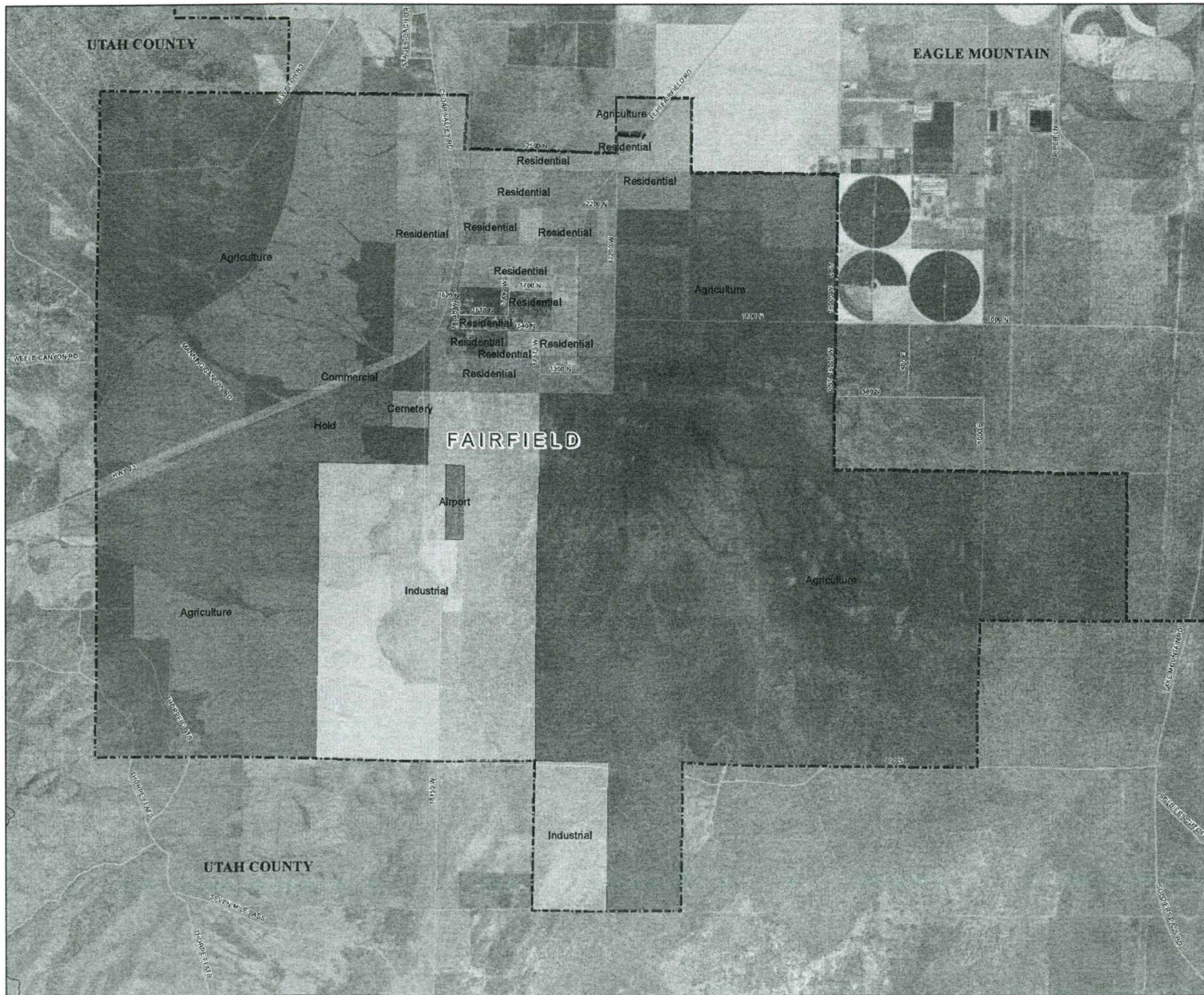
Figure 2 Population Projections



**AREAS OF FUTURE DEVELOPMENT**

The future connections to the system are anticipated to come from new development and conversions of existing private wells. Future connections are the main reason that the Town will require expansion of the system. Currently the areas of the Town that are developed are near the city center, which is approximately 150 acres of 16,700 total acres within the Town limits. It is estimated that approximately 15,900 acres of land within the Town limits is developable.

However, the Town zoning ordinance governs the parcel size for each new development. A large portion of the Town is zoned as A-40, or agricultural, with 40 acre parcels. This greatly reduces the total number of ERU's at build-out, if these areas are ever rezoned the Town will need to re-evaluate the total number of ERU's at build-out. Figure 3 shows the areas of Town that are expected to experience future development based on proposed zoning and land use.



**FIGURE 3**  
**TOWN ZONING MAP**  
**& BUILDOUT AREAS**

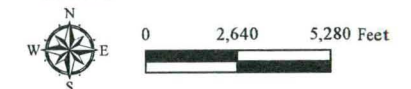
**FAIRFIELD, UTAH**

FEBRUARY 2016

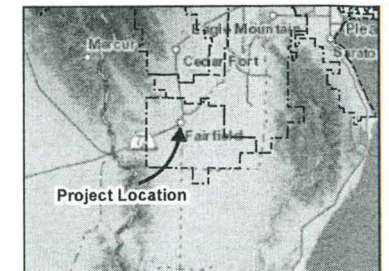
**Legend**

- A-40
- A/R-1
- A/R-1/2
- A/R-10
- A/R-5
- Air Park
- Cemetery
- Commercial
- Hold
- Light Industrial
- Park

Fairfield Town Boundary



1 inch = 3,500 feet



Source: Utah Automated Geographic Reference Center (AGRC)



## **EXISTING CULINARY WATER SYSTEM**

The culinary water utility was established by an ordinance in 2011 and separated from the Fairfield Irrigation Company. The existing culinary water system is comprised of a spring water source, pump, storage tank, and distribution system. The water is pumped from the spring up to a storage tank where it is treated with chlorine, and gravity flows down to the town through the distribution system. This system currently has 20 connections, the maximum amount it can service.

## **SOURCES**

The existing water source supplying the municipal system originates from a developed spring (Utah DDW ID WS001) with a collection box that is 5-feet in diameter. It is a culvert standing on end and approximately 14-feet into the ground. The spring is located on the western side of Fairfield.

Flow records for the individual spring are not available at the time of this report and the total quantity of water produced is currently unknown. Historic records indicate the flows are consistently sufficient to meet the existing demand but the quantity of water produced by the well appears to be decreasing. Water quality reports have been submitted to the State Division of Water Quality and indicate that the spring has a substantial track record of producing water that reliably meets or exceeds drinking water requirements.

## **STORAGE**

The system currently utilizes one concrete underground storage tank (Utah DDW ID ST001) with a capacity of 160,000 gallons and which is 40-feet in diameter. It was constructed in 1998 and is located at the southwestern corner of the Fairfield boundaries, north of Cedar Valley Rd and northeast of Manning Canyon Rd. A 12-inch pipe conveys the water to the Town, exiting the storage tank at an elevation of approximately 5004 feet.

## **TREATMENT**

The existing treatment system consists of hypo-chlorination (Utah DDW ID TP001). The system is functional but no exact measurements of dosages are readily available. There is no redundancy built into the existing system. The method of treatment includes injecting chlorine into the water at the pump station by the spring before it is conveyed to the storage tank.

## **DISTRIBUTION SYSTEM**

The distribution system (Utah DDW ID DS001) consists of roughly 1.8 miles of 12-inch diameter pipe that runs from the storage tank along Highway 73 and into Town to the Camp Floyd State Park. The remainder of the distribution system is comprised of 8-inch pipe. The service area is mostly comprised of the Old Town area. The distribution system is shown in Figure 4.



## WATER USAGE

The existing water source has appeared to be supplying water of sufficient quantity and quality to meet the existing system demands, but several major deficiencies exist, including;

- 1) Current residents who want to be serviced by the system are unable to connect
- 2) The system is at capacity, therefore no expansion is available
- 3) The flows from the spring are declining

A number of construction details appear to be undocumented, however, the water quality reports indicate the construction is sufficient and does not impair the water quality. The quantity of water also appears to be sufficient to meet the existing system demands, as there is no indication or reported history of water shortages in the system. The system however, is at the maximum number of connections and as the number of connections will increase, an additional source of water is required. ***It is recommended that the Town monitor the spring using a flow meter to record the spring production.*** After flow records have been recorded for a period of three to five years, an analysis should be conducted to determine the safe yield of the spring.

The Town will need to explore alternative water sources as the further development of the existing spring is not feasible. Table 2 below indicates the projected average and peak demands for the system.

**Table 2 Future Water Demand**

Item	2015	2020	2030	2040	2050	2060	2065
Population	123	151	227	340	497	655	733
ERU (Equivalent Residential Connection)	20	29	53	89	139	189	214
Annual average water use (AF/YR)	18	26	47	80	124	169	192
Peak Demand (gpd)*	16,000	23,085	42,308	70,985	110,985	150,985	170,985

\*Based upon State recommended design peak demand of 800 gpd/ERU

Table 2 indicates that by the year 2065 the Town will need a source or sources capable of supplying a peak demand of approximately 171,000 gallons per day and an annual average water use of approximately 192 acre-feet per year.

## MODELING

The Town of Fairfield's culinary water system was analyzed using the computer model EPANET 2.0. Average day, peak day and fire flow scenarios were performed to determine the system operating pressure and available fire flow. System pressures are consistent through average day and peak day ranging from 64 psi to 73 psi. The fire flow analysis indicated that when fire flows are applied at existing hydrants during peak day demands, the system is able to maintain a minimum pressure above 20 psi with a fire flow rate of 1,500 gpm. With increased demand and population growth, additional pipelines and system improvements will be required. It is anticipated that the 8-inch distribution line running north on 18040 W and continuing on Cedar Valley Rd will need to be extended east along the Lehi Fairfield Rd for the areas designated by the zoning map as future residential development.

**FIRE PROTECTION**

Construction of the water system in 1998 intended to provide an adequate water supply for indoor use and some irrigation. Subsequently, a number of fire hydrants have been installed on the system.

The Insurance Services Office (ISO) defines fire flow as the amount of water supplied during a fire. The equation used by the ISO to determine the amount of water needed is given as follows:

$$Q = FC(A)^{1/2}$$

Where  $F = 18$ ,  
 $C = 1.5$  for framed homes, and  
 $A$  is the total square footage of the building

For the typical residential structure in Fairfield the minimum fire flow is 1,500 gpm at which should be sustained for a minimum of 2 hours.

**RESERVOIR STORAGE ANALYSIS**

Utah State Drinking Water rule UAC R309-510-8 requires that the Town supply enough water storage to provide for peak day demands for indoor and outdoor usage, fire suppression volume, and for emergencies. The required storage has been sized with the capacity to provide one peak month average day indoor and outdoor demand along with fire flow storage of 1,500 gpm for two hours and a suggested 20 percent operating reserve for emergencies.

The 160,000 gallon tank was constructed to meet shortfalls but does not address capacity to adequately meet peak demand and fire flow. With system growth, new storage facilities will be required to further increase the storage capacity. Table 3 indicates the projected storage requirements for the system thru planning period phase, based on the available water use records, projected system growth, and Division of Drinking Water Guidelines.

**Table 3 Future Water Storage Requirements**

	2015	2020	2030	2040	2050	2060	2065
Estimated ERU's	20	29	53	89	139	189	214
Demand storage (gallons)*	16,000	23,085	42,308	70,985	110,985	150,985	170,985
Fire protection storage (gallons)**	180,000	180,000	180,000	180,000	180,000	180,000	180,000
20% emergency reserve	39,200	40,617	44,462	50,197	58,197	66,197	70,197
Required storage volume (gallons)	235,200	243,702	266,769	301,182	349,182	397,182	421,182
Existing Storage (gallons)	160,000	160,000	160,000	160,000	160,000	160,000	160,000
Surplus / Shortfall (gallons)	-75,200	-83,702	-106,769	-141,182	-189,182	-237,182	-261,182

\*Based upon peak demand of 800 gpd/ERU

\*\*Fire protection at 1,500 gpm for 2 hours

Table 3 shows the storage requirements at increments from the year 2015 to the year 2065 using the criteria listed above. Also shown in the table are the existing storage and the storage surplus/shortfall. As seen from the storage indicated in Table 3, the Town does not have sufficient storage.

### RECOMMENDED WATER SYSTEM IMPROVEMENTS AND UPGRADES

The existing water system source and tank are capable of providing water to the existing customers, but are at maximum capacity. In addition to reaching the limits of the source, there is no redundancy or back up system should contamination or failure occur. Expected growth will require an additional or new source and storage. In order to address the major deficiencies in the system, Table 4 lists the required system improvements for Fairfield. The water supply source and associated water treatment improvements are expected to be implemented within the next 1-3 years and completed within the next 5 years to ensure adequate and safe operation of the system for the customers and community. The other improvements are expected to be addressed and planned out accordingly in the next 5-10 years for future completion.

**Table 4 Projects for Fairfield Culinary Water System**

Project	Recommended action
New Supply Source – Well	Drill new well for primary culinary water supply of Fairfield
New Pump Station and Treatment Facility	Construct pump station with automated treatment facility of new source
New Storage Facility – Tank 1	Construct new tank for sufficient storage
Metering Connections	Replace aging meters and install new meters, take monthly readings
Water Rights	Miscellaneous water right issues (acquire new rights, transfer rights etc.)
Distribution Piping	Construct distribution piping for future connections
New Storage Facility – Tank 2	Construct new tank for sufficient storage

## SOURCE

The existing spring has been a sufficient source until recently when it has reached estimated capacity and future flows are uncertain. The anticipation of population growth indicates that a new source is required. It is recommended that a new 300 gpm to 500 gpm well be drilled. This will enable the existing spring to be used only as a back-up for the new well. It is also recommended that the Town monitor the flow from the spring with a flow meter to record production for analysis of future use.

## DISTRIBUTION SYSTEM

As described above, the existing system is capable of supplying water and fire flows to the existing service area, if additional customers are acquired then new distribution piping is needed to maintain minimum system pressures during high flows and supplying fire protection to the community. In order to maintain a reasonable level of service (40 psi peak day and 1,500 gpm at 20 psi for fire flows), provide water to future users, and expand the service area and fire protection, potential system upgrades were simulated in the existing water model (H2Onet) to identify the needed improvements. Through a trial and error process, improvements sufficient to meet existing, future, and fire flow demands and pressures while minimizing the length, size and number of new components were determined. The most efficient system upgrades and improvements identified through the modeling software are listed in Table 5 and are shown in Figure 5.

**Table 5 Recommended New Water Lines**

General Location	Recommended Action	Diameter (in)	Length (ft)
2000 North from Cedar Valley Road to Approximately 17700 West	Install new water line	12	2,720
1540 North from 17415 West to 17200 West	Install new water line	10	1,400
17200 West from 1540 North to 1700 North	Install new water line	10	1,500
1700 North from 17790 West to 17200 West	Install new water line	8	3,900
17790 West from 1700 North to 2000 North	Install new water line	8	1,900

## STORAGE

The existing storage is not sufficient to meet peak demand and fire flow for the future population, as was previously shown in Table 3. Required storage for the planning period is 421,200 gallons with total build out requiring total storage of 1.1 million gallons. New storage (in addition to the existing tank) will require a minimum of 262,000 gallons in order to store the required volume through the 50 year planning period. This volume of storage will be constructed in two phases. The first phase includes a new 250,000 gallon tank that will be constructed in 2016. Phase one will adequately serve the Town until 2063 at which time phase two will take place and the Town will, re-evaluate storage needs, plan for future storage and

construct a third tank. Table 6 illustrates the storage requirements with the new tank and existing tank through the planning period of 2065.

**Table 6 Storage Volumes with New Tanks**

	2015	2016	2020	2030	2040	2050	2060	2063	2065
Estimated ERU's	20	22	29	53	89	148	189	203	214
Demand storage (gallons)*	16,000	17,306	23,085	42,308	70,985	118,075	150,985	162,075	170,985
Fire protection storage (gallons)**	180,000	180,000	180,000	180,000	180,000	180,000	180,000	180,001	180,000
20% emergency reserve	39,200	39,461	40,617	44,462	50,197	59,615	66,197	68,415	70,197
Required storage volume (gallons)	235,200	236,767	243,702	266,769	301,182	357,690	397,182	410,492	421,182
Existing Storage (gallons)	160,000	160,000	410,000	410,000	410,000	410,000	410,000	410,000	610,000
New Storage (gallons)	0	<b>250,000</b>	0	0	0	0	0	<b>200,000</b>	0
Surplus / Shortfall (gallons)	-75,200	173,233	166,298	143,231	108,818	52,310	12,818	199,508	188,818

\*Based upon peak demand of 800 gpd/ERU

\*\*Fire protection at 1,500 gpm for 2 hours

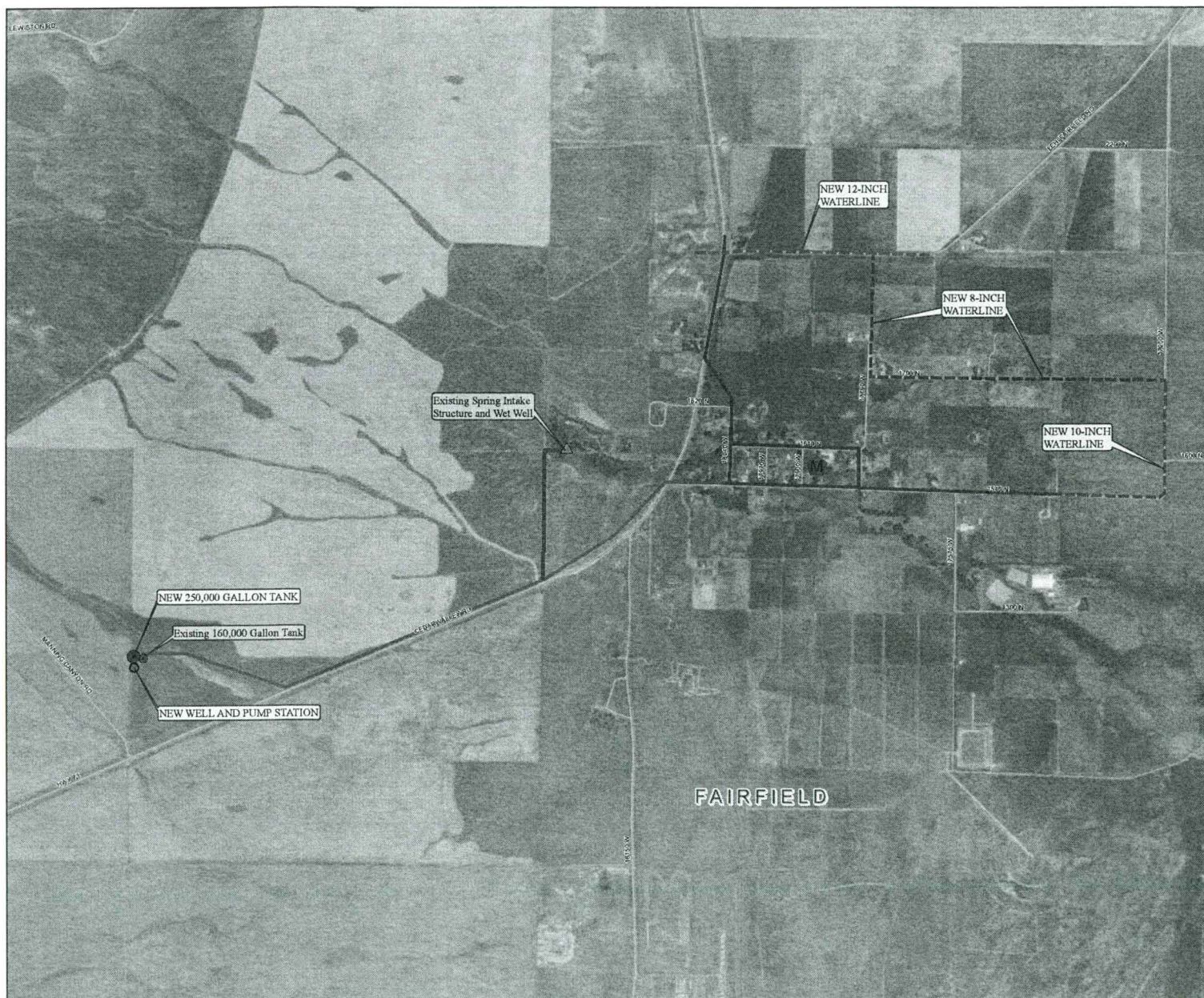
The new tanks will be located on the same parcel as the existing tank and will be similar to the existing tank with respect to elevation in order to accommodate gravity flow of the water to the Town.

### **PUMP STATION AND TREATMENT**

The existing pump station from the spring to the existing tank functions by timed operation. The treatment of the water is a manual procedure. The new pumping facility should contain methods to control, record, and regulate treatment.

The new pump station accompanying the new well should be equipped with modern telemetry capable of detecting a failure, initializing backup equipment, and notifying staff of any problem prior to customers experiencing any interruption in service.

As the new pump station is constructed, the treatment method will also be updated. Much like the existing pump, the existing treatment unit consists of a single non-redundant unit. The replacement unit(s) should be compatible with the pump station telemetry unit, and provide redundancy.

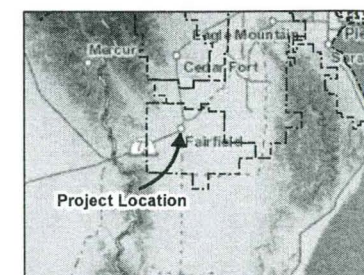
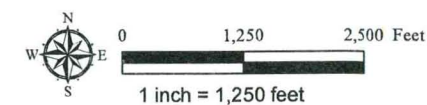


**FIGURE 5**  
**CULINARY WATER SYSTEM**  
**IMPROVEMENTS**

**FAIRFIELD, UTAH**  
 FEBRUARY 2016

**Legend**

- Fairfield Town Boundary
- Existing 12-inch Water Line
- Existing Supply Line
- Existing 8-inch Water Line
- Existing 160,000 Gallon Tank
- Existing Spring and Wet Well
- Future 12-inch Water Line
- Future 10-inch Water Line
- Future 8-inch Water Line
- Upgrade Residential Meters
- New 250,000 Gallon Tank
- New Well and Pump Station



Source: Utah Automated Geographic Reference Center (AGRC)



## CONSTRUCTION PRIORITIZATION

The improvements and upgrades discussed in the previous sections describe projects that will need to be completed within the next 30 to 50 years to maintain and upgrade the Town's water system. Ideally, the Town would design and construct all of these projects at once to maximize the benefits to the citizens as soon as possible. However, funding and logistical constraints will likely require these projects to be constructed in phases as funds become available. The purpose of this section is to identify the optimum construction order to provide the maximum benefits to the existing customer base as soon as practical. The need and urgency of the projects were evaluated and sorted qualitatively using the following criteria:

- 1) Existing probability of failure of water system component(s)
- 2) The cost / time necessary to repair the existing component(s)
- 3) The portion of the system affected by a failure and the severity of the failure
- 4) The improvement in flow per dollar spent
- 5) Anticipated growth areas

Through the evaluation it was determined that recommendations to improve the source, treatment and storage components of the system were the highest priority because reduction of the existing source would affect the entire water system and storage capacity is below the recommended storage by the State. Transmission lines, while important to the overall system, can be repaired relatively quickly, with minimal expense, and will likely affect only a portion of the system at any one time, therefore new transmission mains can be built as growth occurs. The prioritized list of recommended projects is presented in Table 7. ***It is recommended that projects 1 -4 be completed within the next one to two years to ensure the system continues to function properly.*** Projects 5 through 11 can be constructed and implemented as needed.

**Table 7 Project Prioritization**

Project	Priority	Project
1	1	300-500 gpm Well
2	1	Pump Station
3	1	250,000 Gallon Storage Tank
4	1	Upgrade Meters
5	3	Water Rights
6	4	12-inch Water Lines
7	4	10-inch Water Lines
8	4	8-inch Water Lines
9	-	Planning Report Update
10	-	Future Well and Pump Station
11	-	Future Storage Tank

## OPINION OF PROBABLE COST

The costs for the proposed projects described above are presented in the following sections. The costs have been separated into two categories: 1) improvements and 2) upgrades. The improvement list contains items that will “improve” the existing system and are necessary to provide the desired level of service to the existing residents of the town. The upgrades list contains projects intended to “upgrade” or expand the system to adequately handle the anticipated future growth. As part of the optimization process, some of the proposed projects will serve both purposes. When one project is required to improve the existing system, but will provide for new system connections, the cost of the project is divided among the two categories based on the ratio between existing customers benefited and anticipated future connections made possible by the project.

For example, to meet the existing storage demands, the town would need to construct a storage tank large enough to hold approximately 75,000 gallons. With the anticipated future growth, the tank will ultimately need to be approximately 250,000 gallons. In other words if a 250,000 gallon tank is constructed in the near future, as recommended, 60% of the tank is intended to meet future demands and as such 60% of the tank construction cost can be considered an “upgrade” while the remainder is an “improvement”. This methodology is also true in evaluating the towns recommended source infrastructure.

## UNIT COST JUSTIFICATION

Construction costs for the recommended projects are based on unit cost per linear foot for different types of pipe construction, volume for storage projects, and lump sums for other projects such as valves or pump stations. The unit costs are based on recent bids for similar projects, discussions with local contractors and engineering judgment. The unit costs basis for this report is summarized in Table 8 below and supporting details are provided in the appendix.

**Table 8 Conceptual Unit Cost Summary**

Item	Unit	Cost Per Unit*
Water storage less than 0.5 MG	Gal	\$ 1.70
Well construction	LF	\$ 380.00
12-inch Waterline	LF	\$ 140.00
10-inch Waterline	LF	\$ 130.00
8-inch Waterline	LF	\$ 120.00

\*Unit costs based on 2014 construction costs

In addition to the estimated construction cost, design and administrative costs have been added to the base construction cost as shown below:

Engineering and Survey	8%
Construction management	3%
Material Testing	2%

Town management	1%
Legal	1%
Contingency	15%
<b>Total</b>	<b>30%</b>

Based on the unit costs and cost sharing strategies described above, the total project costs are presented in Tables 9. The table also presents the percentage of each project that qualifies as an improvement or an upgrade as discussed above.

**Table 9 2016 Recommended Projects Cost Summary**

Year	Project List	Quantity	Unit	Total Cost	Sharing	Upgrades / Impact Fee	Improvements / Rates
2016	300-500 gpm Well	1	LS	\$260,000.00	95% / 5%	\$247,000	\$13,000
2016	Pump Station	1	LS	\$350,000.00	95% / 5%	\$332,500	\$17,500
2016	250,000 Gallon Storage Tank	250,000	Gal	\$500,000.00	70% / 30%	\$350,000	\$150,000
2016	Upgrade Meters	1	LS	\$20,000.00	0% / 100%	\$0	\$20,000
2017 / 2020	Water Rights	1	LS	\$10,000.00	0% / 100%	\$0	\$10,000
2020 - 2065	12-inch Waterline	2800	LF	\$392,000.00	100% / 0%	\$392,000	\$0
2021 - 2065	10-inch Waterline	2900	LF	\$408,900.00	100% / 0%	\$408,900	\$0
2022 - 2065	8-inch Waterline	3800	LF	\$456,000.00	100% / 0%	\$456,000	\$0
2025, 35, 45 & 55	Planning Report Update	4	EA	\$80,000.00	100% / 0%	\$80,000	\$0
2052	200 GPM Well and Pump Station	1	LS	\$350,000.00	100% / 0%	\$350,000	\$0
2063	200,000 Gallon Storage Tank	200,000	Gal	\$400,000.00	100% / 0%	\$400,000	\$0
				<b>\$3,226,900.00</b>		<b>\$3,016,400</b>	<b>\$210,500</b>

**SUMMARY**

Evaluation of the overall condition of the existing Fairfield Culinary Water system was completed in order to determine any needed repairs, plan for additional connections, and improve fire protection. The existing water system will need to be expanded to adequately serve new residents as the town grows and aging infrastructure will need to be replaced to meet current system needs. In addition to evaluating the water system, this report provided recommendations and cost estimates for system improvements totaling approximately 3.0 million dollars. The recommended improvements will improve the level of service of the existing system, accommodate for future growth, and provide for adequate fire protection throughout the Town.

## RESOURCES

1. **Utah Impact Fees Act, Title 11, Chapter 36a**, *Utah State Legislature, 2011*
2. **Fairfield Utah General Plan**, *pursuant to Utah code title 10, chapter 9a, section 4 of the municipal land use, development, and management act, 2011*

**FAIRFIELD TOWN, UTAH**  
**CULINARY WATER IMPACT FEE ENACTMENT ORDINANCE**  
**June 9, 2016**

**ORDINANCE NO. 2016-60916-1**

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

**WHEREAS**, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

**WHEREAS**, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

**WHEREAS**, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

**WHEREAS**, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

**WHEREAS**, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

**WHEREAS**, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

**WHEREAS**, the Town adopted the Facilities Plan by motion on June 9<sup>th</sup>, 2016; and

**WHEREAS**, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

**WHEREAS**, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

**WHEREAS**, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

**WHEREAS**, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before May 27, 2016; and

**WHEREAS**, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before May 27, 2016; and

**WHEREAS**, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a newspaper of general circulation in the Town; and

**WHEREAS**, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

**WHEREAS**, on or before May 27, 2015 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. § 11-36a-303 was available to the public; and

**WHEREAS**, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

**WHEREAS**, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfield, as follows:

## **SECTION 1: FINDINGS.**

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

## **SECTION 2: DEFINITIONS.**

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. "Summary" means the summary of the Impact Fee Analysis.

### SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
  - (i) dedicates land for a system improvement;

- (ii) builds and dedicates some or all of a system improvement; or
- (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
  - (i) are system improvements, or
  - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

#### **SECTION 4: IMPACT FEE ACCOUNTING.**

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

## **SECTION 5: APPEAL PROCEDURES.**

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the “**Request for Information**”) with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
  - (i) the appellant's name, mailing address and daytime phone number;

- (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
  - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:
  - (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
  - (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
  - (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

## **SECTION 6: SEVERABILITY.**

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

## **SECTION 7: EXHIBITS.**

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

## **SECTION 8: EFFECTIVENESS.**

This Ordinance shall become effective ninety (90) days after the adoption hereof.

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED** this 9<sup>th</sup> day of June, 2016.

FAIRFIELD TOWN COUNCIL  
TOWN OF FAIRFIELD, UTAH

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Jaren Hancock, Mayor

ATTEST:

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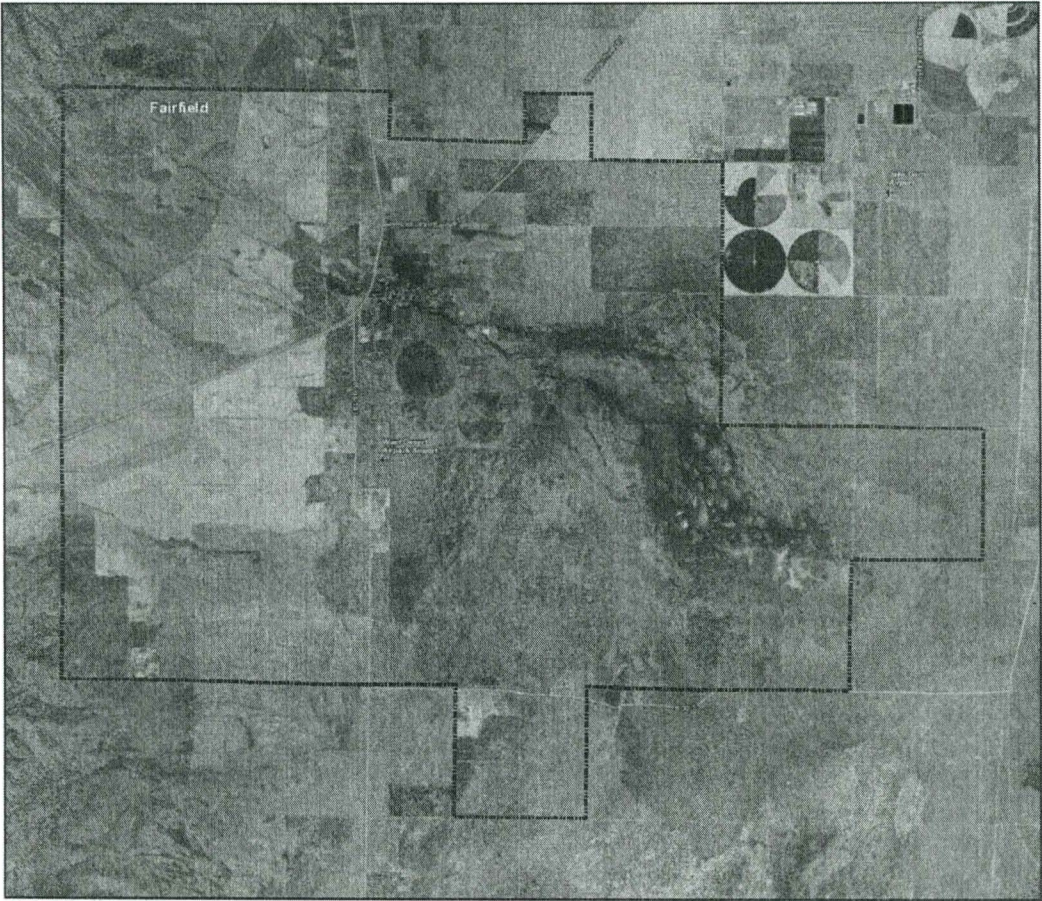
Town Clerk

(SEAL)

## **Exhibit A: Impact Fee Facilities Plan**

## **Exhibit B: Impact Fee Analysis**

Exhibit C: Town Map



SOURCE: UTAH AGRI SERVICES

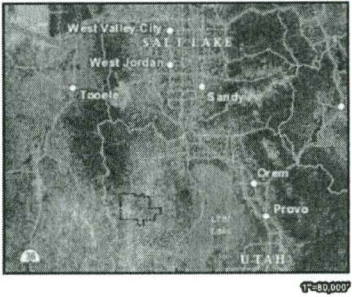
**FIGURE 1  
SITE MAP  
FAIRFIELD, UTAH**

APRIL 2016

 Fairfield Boundary



 0 0.5 1 2 Miles



**Culinary Water Impact Fee**

**3/4-inch meter = \$15,600.00**

**1-inch Meter = \$26,000.00**